

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6073 of 1999

and

SPECIAL CIVIL APPLICATION No. 6074 of 1999

and

SPECIAL CIVIL APPLICATION No. 6075 of 1999

and

SPECIAL CIVIL APPLICATION No. 6076 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgement?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

MANSUKHBHAI LALJIBHAI THADODA

Versus

STATE OF GUJARAT

Appearance:

MR KS JHAVERI for Petitioner

MR BY MANKAD, ld.AGP for respondents nos.1 to 3

MR SHIRISH JOSHI for Respondent No.4 as caveator

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 18/08/1999

COMMON ORAL JUDGEMENT

Heard learned Counsel.

2. Rule. Mr.B.Y.Mankad, ld.AGP waives the service
of Rule on behalf of the respondents nos.1 to 3 and
Mr.Shirish Joshi waives the service of Rule on behalf of
the respondent no.4. All these four Special Civil

Applications are based on identical facts and are directed against the orders dated 5.8.1999. They involve common grievance and are decided by this common judgment and order.

3. The only grievance which deserves to be entertained is that the revisional authority while considering the question of interim orders passed in appeal by the Additional Registrar (Appeals), Co-operative Societies, has quashed the entire proceedings of the appeals. The Government while deciding the revision applications has allowed the revision applications Nos. 140/99 to 143/99 and has upheld the interim order as had been passed by the Additional Registrar (Appeals) in each of the four appeals. To that extent, I find that there is no case for any interference with the orders passed in revision on 5th August 1999 by the Agriculture and Co-operation Department of the Govt. of Gujarat issued under the signatures of the Deputy Secretary (Appeals), Agriculture and Co-operation Department. However, while considering this revision applications, the validity of the entire proceedings in the Appeals Nos.54/99 to 57/99 or the maintainability of the appeal itself was not in question and yet while considering the grievance of the respective petitioner in the revision petition with regard to the interim order, there was no question of quashing the entire proceedings in appeals and this part of the orders appears to be wholly unwarranted, uncalled for, unjust and illegal and to that extent, the impugned orders cannot be sustained. Accordingly Item No.2 in the operative part of the impugned order dated 5th August 1999 impugned in each of these four matters is hereby quashed and set aside. These four Special Civil Applications partly succeed as above and the Rule is made absolute to the above extent only. No order as to costs. Direct service is permitted.

sreeram.